

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**December 8, 2004**

The meeting was called to order at 4:02 p.m. by Vice Chairman Brent Fuller at 3600 Constitution Boulevard, West Valley City, Utah.

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Brent Fuller, Paul Nixon, Jack Matheson, Karen Lang, and Terri Mills

**ABSENT**      Harold Woodruff and Mario Cisneros

**WEST VALLEY CITY PLANNING DIVISION STAFF**

John Janson, Kevin Hooper, Steve Lehman, Steve Pastorik, Ron Weibel, Jody Knapp, and Lori Cannon

**WEST VALLEY ADMINISTRATIVE STAFF:**

Joseph Moore, CED Director  
Nicole Cottle, Asst. City Attorney

**AUDIENCE**

Approximately 32 people were in the audience.

**GENERAL PLAN/ZONE CHANGE APPLICATIONS:**

**GPZ-5-2004**

**Home Center Construction and Development**

**5777 West 6200 South**

**General Plan change from General Commercial or Mixed Use to Medium Density Residential**

**Zone change from C-2 to RM**

**18.2 Acres**

Mr. Steve Pastorik presented the application.

This application was continued during the November 10<sup>th</sup> hearing since two motions were made and neither passed. The following staff analysis is an update to the analysis for the November 10<sup>th</sup> meeting.

Mr. Steve Glezos with Home Center Construction and Development is requesting a change to the General Plan from general commercial or mixed use to medium density residential on an 18.2 acre parcel located at approximately 5777 West 6200 South. Mr. Glezos is also requesting a rezone from C-2 (general commercial) to RM (residential, multi-family). If this application is approved, Mr. Glezos plans to sell the land to D.R. Horton to construct 172 townhomes. Such a development would require a conditional use permit.

Surrounding zoning includes R-1-7 to the north in Kearns, R-1-8 to the west, RM to the south and C-2 on the east. Adjacent uses include single family homes to the north, a power line and gas corridor to the west (Diamond Summit, a single family development, is west of the power line and gas corridor), vacant property to the south and Wal-Mart and the associated pad site development to the east.

A neighborhood meeting was held on November 23<sup>rd</sup> at the Kearns Library with Bill Peperone from D.R. Horton. Residents from the Diamond Summit neighborhood agreed that a townhome development would be more appropriate than another commercial development. However, the same residents were emphatic that the City should develop a park to serve them and surrounding development, especially if new dwelling units are constructed. They were very concerned that more people would move into an area that currently has no park space.

**Background**

The current owner of the subject property is Wal-Mart. At the time Wal-Mart was going through the City's conditional use review process, one of the likely options of the

Mountain View Transportation Corridor (MVTC) was right through the subject property. In fact, an interchange was being considered for this property. However, since that time, UDOT is no longer considering an alignment at this location. The latest alignment options this far south are at approximately 6400 West and 7200 West.

Now that the highway and associated interchange are not being considered on this property, Wal-Mart is now trying to sell the land. Through conversations with the applicant, staff understands other reasons Wal-Mart is trying to sell the land to be:

- 6200 South currently comes to a dead-end at the west end of Diamond Summit.
- Over 12 acres of C-2 land, owned by UDOT, exists between the northwest and northeast corners of 6200 South and 5600 West.
- Approximately 30 acres of C-2 land, owned by Property Reserve, Inc., exists directly south of Wal-Mart.
- Wal-Mart has been unsuccessful in its attempts to market the property as commercial.
- A 40' to 60' grade change exists between the Wal-Mart store and the subject property. This grade change makes it difficult to integrate the two properties into a larger commercial center.

## **Issues**

Attached to this analysis is a memo from Bill Peperone addressing the major issues of TDR, park space and development standards that were raised during the public hearing. For TDR and park space he offers two options. On the development standards, the amount of masonry and the type of roofing materials are not specifically addressed in the memo.

### Transfer of Development Rights (TDR)

As a reminder, the TDR Ordinance was adopted to provide a tool for preserving open space in the City. Basically, the ordinance allows density to be transferred from one area of the City that we are trying to preserve (sending site) to another location that is better suited for development (receiving site).

Property within West Valley City that is west of 4800 West falls within the TDR Overlay Zone. The TDR ordinance states: "If any development with the TDR overlay requests a density greater than 3.5 units per acre, the increased density shall be realized through development credits." The ordinance also states, "Areas zoned for densities greater than 3.5 units per acre at the time of the passage of this Ordinance may develop at that density without purchasing development credits.

In this situation, the current zoning is C-2 (general commercial), which does not allow residential use. Hence, the base density for TDR purposes is 3.5 units per acre. With a

proposed density of 9.5 units per acre (172 units/18.2 acres), the ordinance requires 6 credits per acre or 109 total credits (18.2 acres x 6 credits/acre). **The City has been willing to negotiate the number of credits if the project exceeds the development standards, which are covered later in this analysis, found in the TDR ordinance.**

Having to acquire 109 credits makes the proposed project very difficult if not impossible to accomplish unless the price of the land is such that the developer can purchase the ground and the credits, develop the property and still make a profit.

So far the TDR transactions made in the City have been limited to single family developments. The formulas in the ordinance used to determine the number of credits needed for purchase on a receiving site as well as the number of credits available on a sending site have worked for single family developments. However, it seems the ordinance may make multi-family projects more difficult to achieve. Also, the City has seen several proposals or inquiries to convert land zoned for commercial or industrial use to residential use, which was not anticipated when the ordinance was drafted.

Staff has begun to draft revisions to the TDR ordinance to address the issue of multi-family development as well as rezones from commercial or industrial to residential. One possibility is to consider both the existing zone and the existing General Plan when determining the base density allowed without TDR participation.

#### Development Standards

Developments that utilize development credits as part of the TDR ordinance are required to meet the development standards found in that ordinance. Below are the standards that would apply to this proposal:

Development with over five units per acre shall incorporate a minimum of 50 percent of each structure as brick/brick veneer and the remainder shall be constructed with masonry, stucco, or stone. Roof materials shall be constructed of architectural shingles that simulate the depth of wood shingles or may be constructed of tile or other materials approved by the Planning Commission.

Development with over eight units per acre shall incorporate at least ten of the following criteria:

- (i) 35 foot plus setback;
- (ii) additional buffering (architecturally interesting walls, intense landscaping, greater setbacks, compatible building heights/mass, etc.) to adjacent uses;
- (iii) subdivision entrance feature;
- (iv) specialty/pedestrian scale lighting along sidewalks, streets, and trails;
- (v) distinct project identity demonstrated through architectural style and landscape excellence;
- (vi) linked activity areas;

- (vii) interior trails and exterior trail connections;
- (viii) entrance identification features;
- (ix) three or more housing types for every 100 units; having varied architecture with a central, somewhat consistent theme;
- (x) a minimum of one 2-inch caliper tree per unit;
- (xi) specialty/pedestrian lighting;
- (xii) deeded ownership for at least 50 percent of the units;
- (xiii) effective parking lot landscaping including landscaped islands and/or projections;
- (xiv) gated community with 24-hour security;
- (xv) two car garages;
- (xvi) "smart" home technology.

Development with over five units per acre, and less than ten units per acre, shall provide at least 20 percent of the gross project site as landscaped open space.

The above-listed requirements may be superseded by a development agreement incorporating other appropriate criteria as determined by the City.

#### Parks

No public parks exist near the subject property. A letter from a Diamond Summit resident concerned about the lack of open space in her neighborhood is attached. Staff agrees that there certainly is a need for a park in the area.

The General Plan calls for a district park at the general location of 6200 South 6300 West. A district park is described in the General Plan as a park with between 5 to 25 acres with a service area of 1.5 miles.

Salt Lake County owns 14.6 acres about 500' north of 6200 South at approximately 6200 West. The City has approached the County in the past about developing this property as a park. Up until recently, the development of this property for a park seemed to be a low priority for the County. Within the last week, the Parks Department has once again contacted the County concerning the development of the 14.6 acres as a joint venture. It appears that the County may now be interested in working with the City.

The possibility of including public park space on the subject property was suggested at the public hearing. This option was pursued with the City's Parks Department. According to the Parks Department, they would much prefer to have a larger park developed on the County property (with the possibility of more land once the surrounding property develops) instead of a few acres on the subject property. Parks Department representatives will be available for questions at the public hearing.

Elevation Change

As mentioned earlier, a 40' to 60' elevation change exists between the Wal-Mart store and the subject property. The distance between the Wal-Mart store and the top of the hill is approximately 200'. Hence a significant buffer between Wal-Mart and any future development on the subject property already exists.

Land Use

Many single family neighborhoods in the City are buffered from commercial uses by multi-family development. However, this is not always the case. For example, the Shopko on 3500 South and the Western Garden Center on 4100 South are both adjacent to single family development. As mentioned above, this property is already buffered from the Wal-Mart by a large grade change and setback.

**Applicant:**

**Bill Peperone, D.R. Horton  
11075 S. State Street**

**Concerned:**

**Gregg Cudworth  
W.V. Park's Planner**

**Concerned:**

**Steve Vincent  
4628 Woodgrove Dr.**

**Discussion:** Commissioner Matheson asked if fees from this development could be designated towards a regional park. Steve Pastorik affirmed this was possible. Mr. Bill Peperone gave a form to the Commission showing the layout of the project. He explained it is the same plan previously reviewed by the Commission, except trees have been added to this drawing. Mr. Peperone stated an additional 50 trees could be placed along the ridgeline of the property to beautify the ridgeline. Commissioner Nixon mentioned concerns regarding the appearance of the buildings, suggesting the building elevations did not look like the photos of the actual buildings. Vice Chairman Fuller further explained the materials on the renderings look different than what was actually built on units in West Jordan. Mr. Peperone indicated he would be happy to take Commission members to the project in West Jordan to view the units, and determine what should be added to these proposed units. He understands architecture is important and will work with staff regarding any building material issues. Mr. Peperone reminded it is difficult to submit building details when the property's zoning has not been determined. Commissioner Mills asked if meetings had been held with nearby residents to discuss the park and corridor concerns. Mr. Peperone said he has received approval from Utah Power for the use of the corridor. He indicated Utah Power would have similar conditions as other approvals in the City. A one-time fee of \$15,000.00 paid to Utah Power will be required for the two to four acres of open space in the corridor. Commissioner Mills implied she liked the idea of additional trees, and asked if they would be on the top of the ridge or would they be placed going down the hill. Mr. Peperone replied the location of the trees would be up to staff. Commissioner Mills requested additional information about the

funds being set aside by the City for a park in this area. Mr. Gregg Cudworth, West Valley's Parks Planner discussed park impact fees, how they are pooled, and how the funds could go to other areas and/or parks. He assured staff would be sensitive to the needs of this area in directing funds from these units to this area. Mr. Cudworth said they plan to work with Salt Lake County in earmarking these fees for a park in this area. Commissioner Nixon questioned if fees received from this development would cover the cost of the requested park. Mr. Cudworth replied more funds would be needed, but mentioned additional help may be possible through the County's ZAP tax. Commissioner Mills asked how much a park would cost if land were purchased through the corridor. Mr. Cudworth estimated approximately \$75,000.00 to \$80,000.00 per acre without park features. Commissioner Nixon questioned what size of park would allow a restroom. Mr. Cudworth answered a 15-acres park would warrant restrooms, including parks with features such as ball fields. Commissioner Lang reminded the City's long-term plan calls for a trail system under the corridor. She inquired why the trail system could not be started at this time. Mr. Cudworth replied it would be better to wait due to financial reasons. Mr. Steve Vincent encouraged the Commission to ensure homes at this location be of good quality. Ruthann Lingwall reported on the previously held neighborhood meeting. She said that after viewing the applicant's basic design, the neighbors decided they were interested in the residential, with the stipulation the housing requirements would be attached as part of the conditions. They would like more attractive homes with good quality materials. Ms. Lingwall also requested the sidewalk along 6200 South continue to Wakefield Road. Steve Pastorik informed that housing and sidewalk issues would be determined during the conditional use process. He explained the next step is for this application to be voted on by the City Council. Commissioner Nixon commented he was glad the neighborhood is pleased with this proposed development, and he also wants the homes to be attractive. Commissioner Matheson implied he did not want a pocket park for this area, but would rather have impact fees go towards larger regional park. Vice Chairman Fuller reminded the park issue would be determined during the conditional use process.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Matheson moved for approval of the General Plan/zone change. The provisions of the TDR ordinance must be adhered to or revised prior to final plat approval. He recommended to the Park Department that the park impact fees go towards the regional park as close as possible to the Diamond Summit area.

Seconded by Commissioner Nixon.

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – GPZ-5-2004 - approved**

**GPZ-6-2004**

**West Valley City**

**5754 South Far Vista Drive**

**General Plan change from light manufacturing, office, general commercial, recreation or mixed land uses to low density residential**

**Zone change from M to R-1-8**

**44.5 Acres**

Mr. Steve Pastorik presented the application.

City staff is requesting a change to the General Plan from light manufacturing, office, general commercial, recreation or mixed land uses to low density residential on approximately 44.5 acres located at approximately 5754 South Far Vista Drive. Staff is also requesting a rezone from M (manufacturing) to R-1-8 (single family residential, minimum lot size 8,000 square feet). 23.1 acres of the subject property is owned by West Valley City. The remaining 21.4 acres is owned by Alder Construction Company. A cell tower is located near the west edge of the City owned property.

Surrounding zoning includes R-1-7 to the south and a portion of the east in Kearns and M to the north, west and the remaining east portion. Adjacent uses include single-family homes to the south and a portion of the east, Eagle Precast Company (which manufactures precast/prestressed concrete products) to the north and the remaining east portion and railroad tracks to the west with gravel extraction west of the tracks. The subject property lies at the border of West Valley City.



Attached to this analysis is a letter from Paul Isaac, West Valley City's Assistant City Manager, which outlines why City Administration believes that this application should be approved.

## **Issues**

### Opposition Letters

At the time staff drafted this analysis, four opposition letters had been received. Each of these letters is attached. The main issues raised in these letters are: access, traffic, open space and noise.

### Overpressure Zone

The subject property does fall within Overpressure Zones B and C. Although Zones B and C do not prohibit residential use, they do require specific construction standards as a precaution in the event of a major accidental explosion at Alliant Techsystems (ATK).

### Deed Restrictions

At the time the City purchased the 23.1 acres, a deed restriction was placed on the property to prevent residential use. However, Anderson Development was successful in negotiating with ATK to have similar deed restrictions removed from their property. City staff has requested the same from ATK for the subject property owned by the City. In addition, it appears that ATK is selling, for residential purposes, approximately 47 acres located at about 6300 West 6200 South.

### Noise from Eagle Precast and USANA Amphitheater

The owner of Eagle Precast is concerned about the potential for new homes being placed adjacent to the noisy Eagle Precast facility. A County resident also raised the issue of noise from the USANA Amphitheater. If residential use is allowed on the subject property, noise mitigation will be an important issue. This could occur through increased insulation, windows, walls and berms.

### Open Space

The area between 5400 South and approximately 6600 South, or the south edge of Diamond Summit, and from 6400 West to 5600 West has no developed City or County parks. With the subject property developed as single family residential, an additional 150 to 160 homes would be built without a park. In addition, the 18.2 acre property west of Wal-Mart on the south side 6200 South is being considered (GPZ-5-2004) for residential use and the vacant 47.1 acre Alliant Techsystems property on the north side of 6200 South is designated as low density residential in the General Plan. In other words, three new residential developments could be built within the next few years without a park.

Salt Lake County owns just under 15 acres in the area. Also, the West Valley City General Plan calls for a district park in approximately the same location as the County owned land. A district park ranges in size from 5 to 25 acres and has a service area of 1.5 miles. If the three properties mentioned above are developed as residential, an estimated \$380,000 would be collected in park impact fees. These funds could be used to help develop the County owned property. Discussions are underway but, ultimately, the decision to spend these and other funds on a park in this area will be made by the Parks Department, the City Council and the County Council. The Parks Department believes that developing the County owned park property would be the best use of City funds.

Parks Department representatives will be available for questions at the public hearing.

#### Sewer

Kearns Improvement District estimates that the existing sewer system could service up to 140 homes on the subject property. A sewer connection to 5400 South or upgrades to the pipe in Copper City Drive would be necessary to accommodate more homes.

#### Access

Access from the south of the subject property can be obtained through three stub streets: Woodview Drive, Far Vista Drive and Blue Iron Way. However, these three streets all connect to Borax Avenue which is the single access road for nearly 190 homes. One east access is possible through a connection to Jargon Circle; however, this street is currently configured as a cul-de-sac.

Additional access may be needed to 5400 South by providing a new road. While discussing this issue with Salt Lake County Planning, the suggestion was made that if a new road is not provided between the subject property and 5400 South, at least a stub street could be provided to allow for the connection in the future. Future access could also be accommodated through the ATK parcel at approximately 6300 West 6200 South if it develops.

#### Traffic

In the letters received from County residents, concerns were expressed over traffic, particularly on Borax Avenue and Copper City Drive. This is in part due to the limited access to the Woodview neighborhood, which is directly south of the subject property. Planning staff has requested the City Public Works Department and the County Engineering Office consider the traffic impacts of the proposed change of use. Staff hopes to have input on the traffic issue before the public hearing.

**Opposed:**  
**Lynn Quilten**  
**6068 Borax Ave.**

**Concerned:**  
**Gregory Robbins**  
**5915 Far Vista Drive**

**Opposed:**  
**Scott Waldren**  
**4597 Lake Park, #140**

**Concerned:**  
**Brian Baxter**  
**Kennecott Rep.**

**Opposed:**  
**Bill Ashton**  
**Eagle Precast Employee**

**Opposed:**  
**Charles Sipes**  
**4171 Blue Jay**

**Discussion:** Commissioner Nixon questioned if the existing roads could handle the increased traffic with the increase of homes. Steve Pastorik discussed alternate roads that should help alleviate traffic, including Blue Iron Way, and an additional north/south access proposed by the City's Public Work's Department. He assured that if this zoning is approved, the alternate accesses could be added into the development agreement. Commissioner Matheson believes the City should set aside funds to resolve traffic and sewer issues. Steve Pastorik assured the existing sewer could accommodate approximately 160 homes. Joseph Moore mentioned criteria for the property sale would include the resolution of access issues. Commissioner Fuller suggested swapping property for a parking area from the property on application #GPZ-5-2004. Steve Pastorik replied the City is attempting to swap property with Alliant Tech. Joseph Moore noted some property is being set aside for water retention. Lynn Quilten, a nearby resident, is not opposed to this subdivision, as long as some conditions are met. He believes the development would enhance his property value. Mr. Quilten explained residents will live with noise from businesses in this area, such as beeping trucks and fans. He hears these noises regardless of the extra insulation on his home placed to alleviate noise. Mr. Quilten said the fans are constant, and a number of lights shine directly into nearby homes. He believes this development will create a buffer for existing homes. Mr. Quilten discussed the concrete plant, and said he is concerned with water runoff collecting chemicals from the plant. He noted if an additional access is not created, concrete and supply vehicles will use Borax Ave., as it's the shortest access. Mr. Quilten is concerned about the children going to school who be in direct conflict with these vehicles. He explained Borax is a narrow road, and there has been one fatal accident on this road. Mr. Quilten does not think it should be used as a main artery. He informed the Commission that he has lived in this area for 25 years, and was told this land would have a park on it. He said surrounding residents want a park, and he noted he has never known the drainage area to fill up with water. Mr. Quilten suggested a road be used for access that is off of 5400 South parallel to the rail line. He believes this was previously used as a service road. Commissioner Nixon asked if the concrete company was using that road. Mr. Quilten did not believe so, as the road is on a steep hill. He discussed the berm along the concrete plant, which was supposed to decrease noise and improve the view for residents. He reported the berm has not been finished, but only has

300 feet of trees on one berm. Mr. Quilten requested the berms be finished if this application is approved. Mr. Gregory Robbins discussed traffic issues, including extra traffic from the new Wal-Mart, making a bad situation worse. Mr. Scott Waldren is a shareholder of precast plant, and owns property to the north of this land. He spoke to West Valley staff and citizens years ago, discussing what should be developed on this property. Mr. Waldren said a plan was made to create a lighter zone in-between the manufacturing and existing residential areas. He said a strip of property was set-aside to be used as a transition, such as light manufacturing. Mr. Waldren explained this was proposed in 1997 and 1998, but construction has declined since 9/11. He gave information regarding the precast plant, explaining it is expensive, cannot be easily moved, and included much planning when moved from Murray. Mr. Waldren said there is approximately seven million dollars of infrastructure underground, and the plant was designed for a 50-70 year life. He is not opposed to housing, but is concerned about the quality of life for those living next to this business. Mr. Waldren believes a street cannot be built past this plant, as vehicles weighing an excess of 200,000 pounds will use the road regularly, and will kill children. Commissioner Matheson questioned if concrete was being dumped on the City's property. Mr. Waldren replied dumping has occurring on the Alder property, and will be cleaned up to a level where utilities can be installed. He thinks complaints and litigation will occur if residential is built on this property, and he is strongly opposed to residential near the concrete plant. Commissioner Mills asked if the concrete plant creates dust, and was told yes, but it is mitigated. Commissioner Mills questioned if the berm was completed. Mr. Waldren answered that one-half a mile of the berm was built and planted with grass and trees, but they have had difficulty keeping it watered. He explained that difficult topography resulted in the berm not being entirely completed. Mr. Brian Baxter told the Commission that he is not for or against this application, but he wants Kennecott to have 100-feet (50-feet on each side) of the railway's right-of-way protected. Commissioner Matheson asked if it would be difficult to create an access to 6400 West. Mr. Baxter replied he must look at the plan, and could not give an easy answer to that question. Commissioner Matheson questioned if there were current crossings, and was told there were. Mr. Bill Ashton, Eagle Precast Controller, was opposed to this application. He has received complaints about noise, lights, and traffic, and believes this would be a danger to children. Mr. Ashton does not think the over pressure zone should be a place for residential. He mentioned a concern regarding access, stating 100 semi-trucks are driven for that plant everyday. He cannot imagine the trucks going through an area where schools are located. Mr. Ashton has attempted to alleviate some of the noise, but when highway construction is performed, they must run the plant at night. He said if the berm is eliminated, more lights and noise would be created. Mr. Ashton believes nice office buildings would work better than residential, suggesting the City's growth will bring more businesses to this area. Mr. Charles Sipes is opposed to this application. He mentioned concerns about existing traffic along 5600 West, suggesting this proposal would create worse traffic.

**Vice Chairman Fuller closed the hearing to public input at 5:20 p.m.**

Commissioner Nixon expressed concern regarding this application, believing more discussion is needed to determine if light industrial or office space would be more appropriate. Commissioner Matheson did not believe the City has resolved issues, and believes light manufacturing at this location would work well as a buffer, such as an office business park. Commissioner Mills stated a zone change for this property was not a good idea. Commissioner Fuller suggested if there was a potential to go across the railroad tracks to 6400 West, and only zoning the higher City lot, it may be a better buffer. Commissioner Matheson noted the existing 180 homes need a second access at this time, and the City should look at an access to the west. Commissioner Lang requested having the City's property come in for a zone change by itself, with more detail about the topography, as it may be a very good location for residential. She thought traffic should be addressed, either taking it west over railroads to 6400 West, or along the railroad, but not west of the precast plant. Commissioner Lang did not think it made sense to put residential in the middle of a business park. She does not want to totally discard this idea, but said there needs to be more time to review the options and work on accesses. Commissioner Nixon stated concerns regarding the noise at this location. Joseph Moore mentioned if you walk the site, the northern property has great advantages. He discussed how noise travels, believing noise could be lessened easier on the higher lot than from the lower lot. Joseph Moore agrees that an additional access would be beneficial for this area, such as going across the railroad at 6400 West. Commissioner Lang reminded that offices may not be a quiet use located next to residential.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Nixon moved for denial, due to conflicts with the surrounding industrial uses. He suggested an alternative use be determined for this area in a short time.

Seconded by Commissioner Matheson.

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – GPZ-6-2004 - denied**

**PUD-4-2004**  
**Village Condominiums At Rivers Edge - Final Plat**  
**3400 South 1200 West**  
**40 Units**  
**1.5 Acres**

Mr. Steve Lehman presented the application.

**BACKGROUND**

Mr. Paul Colosimo, is requesting final approval for the Village Condominiums at Rivers Edge. The condominiums are part of the overall project known as The Village at Rivers Edge. The Village Condominiums will consist of 40 units on approximately 1.5 acres. Preliminary approval for the condominium portion of the overall development was granted by the Planning Commission during the original review of the Village at Rivers Edge.

**STAFF/AGENCY COMMENTS:**

Because this application is simply the legal device for platting the condominium, staff and agency comments will be better addressed during the site plan review. Additional comments as it relates to the subdivision plat will be addressed in conjunction with the permitted use process.

**Discussion:** Commissioner Matheson noted the applicant has done well with this project.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Matheson moved for approval of the final plat for the Village Condominiums at Rivers Edge subject to conditions which include, but are not limited to, the following:

1. That the developer resolve all staff and agency concerns.
2. That the condominium development be guided by the recorded development agreement. Said agreement will address provisions relating to architectural elements, building materials, open space improvements, and streetscape design.

3. That recommendations outlined in the soils report be reviewed by the Building Official and City Engineer prior to final plat approval.
4. That all provisions of the West Valley City Fire Department be satisfied.
5. That compliance be made with the Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection.
6. That the subdivision name and all associated street names be approved by the Salt Lake County Auditor's Office.

Seconded by Commissioner Mills

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – PUD-4-2004 - approved**

**S-28-2004**

**Meadow Breeze No. 3 Subdivision**

**3400 South 6130 West**

**R-1-10/R-1-8 Zones**

**19 Lots**

**6.5 Acres**

Mr. Steve Lehman presented the application.

**BACKGROUND:**

Mr. Jordan Bangerter is seeking preliminary subdivision approval for a 3rd phase of the Meadow Breeze Subdivision. A preliminary proposal with the same design was initially reviewed by the Planning Commission in November 1996. For various reasons, the original applicant did not pursue final plat approval and has since optioned the property to Mr. Bangerter.

## **STAFF AND AGENCY COMMENTS:**

### Public Works Department:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Approval from the Salt Lake County Recorder=s Office for street names and subdivision name.
- The existing parcel adjacent to 3500 South should be included within the subdivision plat.
- Coordination to ensure that connections with existing stub streets will work.
- Revisions to the plat are required.
- Dedication of 3500 South to at 53-foot width required. Developer will need to coordinate improvements (if any) with UDOT.

### Building Division:

- Developer will need to submit a new soils report.

### Utility Agencies:

- Standard utility easements will be required.

### Granger Hunter Improvement District:

- Subject to all design standards and requirements.
- West Valley City Fire Department shall determine proper fire protection.

## **ISSUES:**

The proposed subdivision will consist of 19 lots on approximately 6.5 acres. Lots range in size from 10,058 to 15,725 square feet. Although zoning for the subdivision is R-1-10, the average lot size in the subdivision has been calculated at 11,258 square feet.



Access to the subdivision will be gained from existing stub streets in the Silverwood Subdivision to the west and from the second phase of the Meadow Breeze Subdivision to the east. As the street cross sections between these existing subdivisions differ, the developer will need to coordinate the transition of these rights-of-way with the Public Works Department.

A 20-foot access drive will be provided on the west side of lot 310. This access is needed in order to serve existing parcels not part of this subdivision. Presently, these parcels gain access from a lengthy driveway extending out to 3500 South. The developer will be responsible to coordinate this matter with those persons using the existing driveway.

The Public Works Department is recommending that 3500 South be dedicated to a 53-foot half width. Although access onto 3500 South will not be gained from the primary portion of the subdivision, UDOT will be required to review and comment on the proposed development. UDOT shall include in the review their recommendation regarding street improvements.

The subject property has been farmed for many years, and has utilized irrigation water. The developer will need to coordinate proposed piping and all other concerns regarding this matter with the Public Works Department and with those persons presently using water along this irrigation line.

As with all new subdivision development in West Valley City, the potential for ground water problems exist. The developer will need to provide a ground water investigation prior to final plat review. If evidence of ground water exists, the applicant will be required to follow all recommendations outlined by the City Engineer and Building Official.

The proposed subdivision is adjacent to agriculturally zoned property. As a requirement of this subdivision, and according to City Ordinance, the developer will be responsible to fence these areas with a 6-foot chain link fence. In addition, a notation will be required on the plat indicating to potential home buyers that this area is adjacent to agriculturally zoned land and may be subject to the every day sounds and odors typically found with such uses.

A number of mature trees exist on or near the subject property. Staff is suggesting that the developer try to save as many of these trees during construction as possible, especially those that are located adjacent to existing residential properties. Staff will recommend that the developer coordinate this matter with existing land owners who may have trees on or adjacent to the boundary of the subdivision.

A development agreement is not required as part of this application. However, staff is confident that homes constructed on this site will mirror those being built in phase 2. Homes in that phase of Meadow Breeze are well in excess of the City's minimum standards both in size and building materials.

**Applicant:**

**Jordan Bangerter**  
**10424 South 2700 West**

**Discussion:** Commissioner Mills asked if the applicant had asked the residents living on the two small properties on 3500 South if they would like to join this development. She noted they would eventually have to move with the expansion of 3500 South. Mr. Jordan Bangerter replied he has not approached those residents, but will coordinate with them to maintain their access.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Mills moved for approval of the preliminary plat for the Meadow Breeze #3 Subdivision subject to conditions which include, but are not limited to, the following:

1. That compliance be made with Granger Hunter Improvement District regarding waterline and sewer connections and fire protection
2. That the subdivision name and interior street names be approved by Salt Lake County.
3. That a 6-foot chain link fence be installed adjacent to all agricultural properties and that a notation be placed on the plat indicating that this area is adjacent to agricultural zoning and may be subject to the sounds and odors of such uses.
4. That an appropriate ground water and soils investigation be made by a certified engineer. Said report shall be reviewed by the City Engineer and Building Official prior to final plat review.
5. That the developer retain as many trees as possible adjacent to existing residential development. This shall be coordinated with adjacent landowners.
6. That 3500 South be dedicated to a 53-foot half width. UDOT approval for access onto 3500 South shall be provided prior to final plat review.

7. That the parcel of property adjacent to 3500 South be included in the overall boundary of the subdivision.
8. All interior street widths and cross sections shall be reviewed and approved by the Public Works Department. This shall include the transition from existing rights-of-way to the new streets.
9. That all matters pertaining to the existing irrigation system be addressed with the Public Works Department and water users.
10. That the developer resolve all staff and agency concerns.
11. That the developer coordinate access issues with residents presently using the driveway from 3500 South.

Seconded by Commissioner Lang

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – S-28-2004 - approved**

**S-29-2004**

**The Vistas at Westridge Subdivision - Phase 3B - Final Plat**

**AHB Land Company Inc.**

**R-1-4 Zone**

**20 Acres**

**108 Lots**

Mr. Steve Lehman presented the application.

## **BACKGROUND**

Mr. Eric Bishop, representing the property owner, is requesting final plat approval for phase 3B of the Vistas at Westridge Subdivision. The subject property was recently rezoned from the Manufacturing Zone to the R-1-4 Zone. Zoning for this portion of the subdivision differs from the first two phases which were zoned R-1-8.

As a condition of the rezone, the City and applicant have entered into a development agreement. The development agreement was created to ensure that the proposed subdivision will be guided by a set of standards relating to lot sizes, housing size, architectural materials, and other aspects of development.

## **STAFF/AGENCY COMMENTS:**

### Public Works Department:

- X Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- X Concerns regarding ground water investigation as it relates to surface water and shallow ground water. Questions regarding the construction of the land drain and its impact on the overall underground water system.
- X Contact Salt Lake County Auditor=s Office for approval of street names and subdivision names.
- X Revisions to plat required.
- X Street cross sections to be approved by the City Engineer. Concern about the length of Cape Ridge Lane.

### Building Division:

- X Follow recommendations outlined by the City Engineering Division regarding ground water.

### Utility Companies:

- X Standard Utility Easements required.

Granger Hunter Improvement District:

- X Project is subject to all GHID requirements and design standards.
- X Questions regarding water connections.

Kearns Improvement District:

- X Need to coordinate with the developer regarding the Cape Ridge Lane right-of-way and any impacts to KID properties.

Fire Department:

- X Proposed fire hydrant locations need to be shown on subdivision plat.
- X Project shall meet all provisions of Fire Code relating to this type of development.
- X Concern regarding length of Cape Ridge Lane. Will need to be resolved prior to plat recording.

**ISSUES:**

Phase 3B of the Vistas at Westridge Subdivision is being proposed as a single-family residential community. This phase is similar to that of phase 3A in that it contains smaller lots approved by the City. Although zoned R-1-4, the minimum lot size is 5,000 square feet.

Phase 3B is consists of 108 lots on approximately 20 acres. Lots range in size from 5,000 square feet to 13,696 square feet. Lots adjacent to 6400 West are larger in size because they back onto a major street.

Phase 3B encompasses the remaining property which was zoned for smaller lots. In addition, the submittal of this phase will allow the collector street to be completed as was discussed during the final plat review of phase 3A. The developer will need to coordinate the timing of the collector street with the Engineering Division as it is a necessary component for the recording of phase 3A.

Access to this phase of the subdivision will be gained from 6400 West and the collector stub in phase 3A to the east. At the present time 6400 West is improved with asphalt but is void of other formal improvements. The developer will need to

coordinate the street improvements with the City Engineering Division as part of the platting process.

Cape Ridge Lane appears to be located on Kearns Improvement District property. The developer will need to coordinate this matter with KID. If the property is not transferred to Anderson prior to plat recordation, KID will need to sign the mylar.

A concern exists that Cape Ridge Lane exceeds the maximum length for dead end streets. The maximum length allowed in this zone is 700 feet. The length of the proposed street is approximately 950 feet. Because this street will only have residential housing on one side, the Fire and Public Works Departments could evaluate the proposed length and determine that service could be provided beyond 700 feet. In addition, a connection with this street will be made once the Mallory property to the north develops. This matter will need to be coordinated and resolved prior to City Council review.

The developer will also be required to install a barrier wall along 6400 West. Although the development agreement allowed for the construction of a vinyl fence, staff believes that a fence constructed of vinyl materials would be a maintenance problem. As a result of these concerns, staff believes that the developer will propose a masonry wall. Although formal discussions regarding this have yet to take place, staff will recommend that the wall design and materials be brought back to the Planning Commission in a future study session. The development agreement will also need to be modified should the developer propose a masonry wall.

During previous subdivision approvals, the Planning Commission has recommended that construction access utilize 4700 South. Due to existing residential housing on 6400 West, staff will recommend that construction access for this phase use 4700 South as well.

The majority of the subdivision property slopes from the southwest to the northeast. The slope of this property will be more of a problem because of the small lots. The existing topography will create potential problems for new homeowners if careful consideration is not taken by the builders. Staff will recommend that as a condition of approval, each homebuilder be responsible to submit a grading plan during the building permit process. While grading of the site could lessen the potential for problems, a grading plan for all new dwellings will help to further mitigate surface water problems for new homeowners.

During the review process of phase 3A, staff learned that a booster pump will be installed at the Breeze tank located at 4100 South 6500 West. This will allow all

of phase 3 to be serviced until the new water tank is installed. It is staff's understanding that the design of this booster has been completed and bids are due shortly. Water lines will likely be installed during the winter months in anticipation of the building season next spring. All matters pertaining to this issue will need to be coordinated between the developer and GHID. In addition to general water service, sufficient fire protection flows must be assured.

The developer has submitted a phase 1 environmental site assessment in addition to a geotechnical report of the proposed subdivision. The environmental report indicates that the current or past property conditions do not pose a significant environmental concern to the subject property. A reconnaissance and data search of properties in the vicinity finds no evidence of facilities or environmental conditions that have impacted the property.

The geotechnical report indicates that subsurface water was encountered in various areas throughout the entire Vistas Subdivision at a depth ranging from 4-9 feet. The developer is presently coordinating the ground water issues with the City Engineering Division. A land drain system will be installed to resolve the underground water issues. The developer has indicated that they are coordinating this matter with their hydrologist and are preparing to complete this work during the winter months. Due to the nature of this concern, the developer will need to resolve the ground water investigation and any recommendations and/or requirements of the Public Works Department and Building Official prior to plat recordation.

The proposed subdivision is located in the outer ring of the overpressure zone. City ordinance will require that certain construction standards, specifically stronger windows be applied for new dwellings.

The West Valley City Police Department has notified staff that residents in this area of the City as well as those in Salt Lake County are upset as a result of noise from concerts held at the USANA Amphitheater. The development agreement will be modified (if not already done) to incorporate this concern as well as a notation on the plat notifying potential buyers of this problem.

The property is also north of the Frito Lay manufacturing plant. With residential uses moving closer to the existing manufacturing uses, negative impacts are likely to arise. In an attempt to notify future residents of these potential impacts, staff will also include a note on the plat indicating that the subdivision may be subject to noise, and odors produced by the manufacturing uses to the south.

**Applicant:**

**Eric Bishop, Anderson Development  
9537 South 700 East**

**Discussion:** Commissioner Matheson asked if the plat would note the possibility of noise being heard from the USANA Amphitheater. He also wondered if mention of the over pressure zone would be on the plat. Steve Lehman answered yes, this is outlined in the development agreement. Commissioner Matheson inquired what would be done about the lack of water if a power outage occurred. Steve Lehman replied measures are being worked on, including a contingency plan to make sure this doesn't happen. Commissioner Nixon would like the Commission to view house elevations, and asked how many home plans would be available. Steve Lehman assured he would ask for a variety of elevations when he meets with the builder. Mr. Eric Bishop explained on going issues are being resolved, such as the land drain system and parks property. He said the grading plan would be resolved during the final plat approval. Mr. Bishop read what is required in the development agreement to verify no repetition is created with the homes. Mr. Bishop informed there is a contingency plan regarding water. He said the goal is to have the water tank finished by the end of the year 2005. Mr. Bishop summarized very few homes would be constructed or finished prior to the water tank being completed. Commissioner Nixon asked if the applicant had reviewed the staff's requirements. Mr. Bishop responded he had. Commissioner Lang inquired if any signage noting particular neighborhoods would be posted. Mr. Bishop reported trees would be placed to note the neighborhood entrances, rather than signs. He commented signs require maintenance, and vandalism becomes an issue. Commissioner Nixon questioned if subdivision names could be placed on a wall. Mr. Bishop assured he would look into this suggestion, but reminded the only walls planned for the project would be along 6400 West. He believes trees would create more of an entrance for specific neighborhoods. Commissioner Lang reminded there would be extra traffic due to USANA, and signs might help citizens. She also noted the Police Department has reported less criminal activity within private communities. Commissioner Matheson mentioned potential problems with the lack of traffic calming devices along the roads. He suggested a cross street, as intersections are traffic calming, as well as traffic bumps. Commissioner Matheson suggested a pocket park be placed to join streets together, with a trail placed in between. Mr. Bishop reminded this is a final plat and traffic calming has already been discussed in length. He asked if Commissioner Matheson was asking him to take a step back to revisit what has already been approved on Phase 3-A. Commissioner Matheson assured that is what he was recommending. Commissioner Nixon questioned if traffic calming devices could be placed on the street without making large changes. Mr. Bishop indicated he would be happy to work with Public Works for traffic calming devices. Commissioner Matheson urged the idea of stamped concrete which works with snowplows. Commissioner Lang



acknowledged many changes have been made to the site plan, including dealing with some double facing lots. She believes this is a better plan than what has been proposed before.

**Vice Chairman Fuller closed the hearing to public input at 6:00 p.m.**

Steve Lehman gave the past history regarding this application, including issues with long, straight streets and traffic calming. He reminded an alternative plan was developed by staff with cross streets, but the Commission chose the applicant's plan over staff's suggested plan. Steve said this final plat works, noting the length of the streets are 850 to 900 feet, meeting the City's requirements. He implied that when houses are viewed at the end of the street, or at a stop sign, it will alter a person's driving, slowing the driver. Steve Lehman mentioned traffic-calming devices are unattractive, but a traffic table could be installed, creating a visual raised table that should alter traffic speed. He assured the traffic issues would be further evaluated and reviewed with the Public Works Department. Commissioner Nixon thinks something will be needed for safety reasons. Commissioner Matheson questioned how staff could bend the City's ordinance regarding the length of cul-de-sacs, more specifically, Cape Ridge Lane. Steve Lehman explained what is being questioned is actually a Public Work's policy and standard, not a City ordinance. He assured it can be reviewed and modified. Steve further explained the subdivision ordinance does allow the Planning Commission to alter the length of cul-de-sacs. Steve noted if the Fire Department or Public Works Department is not satisfied with this proposal, an alternative must be made.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Nixon moved for approval of the final plat for phase 3B of the Vistas at Westridge Subdivision subject to conditions which include, but are not limited to, the following:

1. That the subdivision be guided by the recorded development agreement. All builders in the subdivision shall be provided a copy of this agreement from the applicant.
2. That the developer contact the Salt Lake County Auditor's Office regarding the subdivision name and all street names associated with the development.

3. That compliance be made with the Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection. The water system, including fire protection, shall be installed to the satisfaction of the City prior to issuance of building permits.
4. That the developer coordinate a review with Kearns Improvement District regarding property used for Cape Ridge Lane.
5. That the developer continue to coordinate with Public Works regarding the master storm drain plan. Said plan and all elements shall be reviewed and approved by the City Engineer.
6. That the Public Works and Fire Departments review the length of Cape Ridge Lane. Said review and resolution shall be determined prior to City Council review.
7. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate with any water users and the City Public Works Department as part of this recommendation.
8. That all interior streets, including design of said streets shall be approved by the City Engineering Division.
9. That the developer coordinate all matters pertaining to the soils report with the City Engineer and Building Official. This includes a resolution regarding the land drain system, its installation and potential impacts to other areas in the subdivision.
10. That all single-family dwellings be subject to the construction standards outlined in Section 7-10 of the West Valley City Code. This section outlines the requirements for construction within the Overpressure Zone.
11. That a note be placed on the plat notifying potential residents that this subdivision is located near manufacturing property and may be subject to noise and odors associated with manufacturing uses and entertainment uses.
12. That a masonry wall be installed along 6400 West. Proposed design and materials shall be brought back to the Planning Commission in a future study session.

13. That the developer coordinate the installation of the collector street with Public Works. This roadway will need to be installed in conjunction with phase 3A.
14. Suggest looking at traffic calming features for subdivision roads.

Seconded by Commissioner Lang.

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – S-29-2004 - approved**

**Motion:** Commissioner Lang moved for a five-minute recess

Seconded by Commissioner Nixon

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – Five-minute recess - approved**

**The Public Hearing recessed at 6:07 p.m.**

**The Public Hearing reconvened at 6:12 p.m.**

**S-30-2004**

**The Vistas at Westridge Subdivision - Phase 4 – Preliminary Plat  
AHB Land Company Inc.**

**R-1-8 Zone**

**89 Lots**

**24.5 Acres**

Mr. Steve Lehman presented the application.

**BACKGROUND**

Mr. Eric Bishop, is requesting preliminary approval for the fourth phase of the Vistas at Westridge Subdivision. The subject property was rezoned as part of the overall Vistas at Westridge Subdivision last year. Because this portion of the overall property was encumbered with deed restrictions, it has not been formally reviewed by the City. However, these restrictions have been resolved and the developer is moving forward with this development proposal.

As a condition of the rezone, the City required that 30% of all lots in the R-1-8 Zone be 10,000 square feet or greater. Of the 224 lots in phases 1, 2 and 4, 70 are at, or exceed 10,000 square feet. These numbers comply with the square footage provision in the development agreement. The recorded development agreement will be used as the guideline for this phase as well.

**STAFF/AGENCY COMMENTS:**

Staff and agency comments will be similar to those expressed during the preliminary review of earlier phases. Although staff and the developer are working these issues as they relate to these phases, it is important to list them here for this phase as well.

Public Works Department:

- X Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- X Concerns regarding ground water investigation as it relates to surface water and shallow ground water. Review of all submitted soil investigations will need to be explored by the City prior to a final recommendation and or the acceptance of proposed methods to address ground water.

- X Lots without access should not be platted as part of this phase.
- X Concern regarding the length of Cape Ridge Lane.
- X Will need to coordinate storm water issues through potential park property.
- X Contact Salt Lake County Auditor=s Office for approval of street names and subdivision names.
- X Revisions to plat required.
- X Street cross sections to be approved by the City Engineer.

Building Division:

- X Follow recommendations outlined by the City Engineering Division regarding ground water.

Utility Companies:

- X Standard Utility Easements required.

Granger Hunter Improvement District:

- X Project is subject to all GHID requirements and design standards.
- X Questions regarding water connections.

Fire Department:

- X Proposed fire hydrant locations need to be shown on subdivision plat.
- X Project shall meet all provisions of Fire Code relating to this type of development.

Kearns Improvement District:

- X Will need to coordinate ownership issues as it relates to Cape Ridge Lane.

- X Will need to coordinate and establish parameters of KID properties for use as City parks.

Parks Department:

- X Will need to discuss KID properties for park configuration, uses, and safety provisions.
- X Will need to resolve property acquisition and dedication of all open space areas with the developer and specific agreements with KID regarding their properties.
- X Will need to evaluate park configuration adjacent to 6000 West as it relates to lots 27 and 28.

**ISSUES:**

The fourth phase of the Vistas at Westridge Subdivision consists of 89 lots on approximately 24.5 acres. This equates to an overall density of 3.6 units per acre. Lot sizes range from 8,000 square feet to 12,479 square feet. The average lot size has been calculated at approximately 8,884 square feet. As with the entire Vistas at Westridge Subdivision, this phase will also be guided by the same development agreement in order to create a community having a combination of varying lot sizes, housing and architectural requirements.

Although the preliminary plat consist of 89 lots, not all can be approved by the Planning Commission. In an attempt to utilize the remaining Vistas property, the developer has platted lots that lack access from a dedicated right-of-way. It is anticipated that these lots would gain access from future development of the Mallory property to the north and west. City ordinance requires that all lots have access to a dedicated street system. Therefore, the preliminary plat will need to be modified in order to take this into account. Staff does not see a problem approving the preliminary plat with a condition to that affect.

Access to this phase of the subdivision will be gained from 6000 West, City Vistas Way and from a stub streets in phases 1 and 3B. The developer will also be providing additional stub streets to access the Mallory property to the north and west. Streets within the subdivision will have a cross section that includes a 6-foot parkstrip and 5-foot sidewalk. As noted in phase 3B, there is a concern regarding the length of Cape Ridge Lane. Staff will require the City Engineering Division and Fire Departments to evaluate this lane based on length and number of houses. This matter will need to be resolved

prior to final plat.

As with previous phases in this development, the majority of the subject property slopes from the southwest to the northeast. The existing topography could create potential problems for builders of new homes. Staff will recommend that as a condition of approval, each home builder be responsible to submit a grading plan during the building permit process. While grading of the site could lessen the potential for problems, a grading plan for all new dwellings will help to further mitigate surface water problems for new home owners.

The developer will be responsible to coordinate the availability of all utilities for the subdivision. In the case of previous phases, Granger Hunter Improvement District has notified the developer that services are available but that a booster pump will need to be installed until the new water tank is completed. The developer will need to coordinate these issues with both GHID and the City Fire Department.

The developer has submitted a phase 1 environmental site assessment in addition to a geotechnical report of the proposed subdivision. The environmental report indicates that the current or past property conditions do not pose a significant environmental concern to the subject property. A reconnaissance and data search of properties in the vicinity finds no evidence of facilities or environmental conditions that have impacted the property.

The geotechnical report indicates that subsurface water was encountered in various areas of this phase ranging from 4-9 feet. The developer is presently coordinating the ground water issues with the City Engineering Division. The developer is proposing a land drain system in phase 3 to mitigate ground water problems. Because this phase contains the highest ground water levels, the land drain system will need to be carefully monitored to ensure that basements can be constructed. The developer continues to work this issue with the City Engineering Division.

The proposed subdivision is located in the outer ring of the overpressure zone. City ordinance will require that certain construction standards, specifically stronger windows be applied for new dwellings.

As mentioned previously, the City and developer negotiated a development agreement to address building size, lot size, architectural style, building materials, and front yard landscaping. Provisions of this agreement will be addressed with each home builder and will be reviewed as part of each building permit.

As with other phases of the subdivision, there are concerns with the noise from concerts held at the USANA Amphitheater and from potential impacts of the Frito Lay manufacturing plant. These concerns will be address through the development agreement

and notations on the final plat.

**Applicant:**

**Mr. Eric Bishop, Anderson Development  
9537 South 700 East**

**Discussion:** Mr. Eric Bishop gave a chart to Commissioner Mills explaining the average lot size per plat. He reported on a meeting with Granger Hunter Improvement District, stating a quick claim would be performed for their property. Mr. Bishop will submit the quick claim to West Valley City, explaining Granger Hunter Improvement District will have cross access agreements to their well. Commissioner Matheson questioned if the four lots, that are not part of the dedicated right-of-way, would be resolved with future developments. Mr. Bishop assured they would be developed along with the Mallory Property. Commissioner Mills urged Mr. Bishop to use the two lots (27 and 28) and add them to the park, making it a better, larger park area. Mr. Bishop replied this is a staff issue, but said the applicant would be happy to cooperate with this suggestion.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Mills moved for approval of the preliminary plat for fourth phase of the Vistas at Westridge Subdivision subject to conditions which include, but are not limited to, the following:

1. That the Subdivision be guided by the recorded development agreement. All builders in the subdivision shall be provided a copy of this agreement from the applicant
2. That the developer contact the Salt Lake County Auditor=s Office regarding the subdivision name and all street names associated with the development.
3. That compliance be made with the Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection. The developer shall resolve the water issue prior to review of the final plat.
4. That the developer continue to coordinate a review of proposed open spaces with the City Parks Department and Legal Department. Said review shall also include Kearns Improvement District.
5. That the developer continue to coordinate issues regarding storm drainage. Said plan and all elements shall be reviewed and approved by



the City Engineer.

6. That the preliminary plat be modified to remove lots where dedicated access is not available. The remaining property will need to be platted in conjunction with the Mallory property to the north and west.
7. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate with any water users and the City Public Works Department as part of this recommendation.
8. That 6000 West be dedicated and improved according to plans and profiles approved by the City Engineering Division. All other interior streets, including design shall be approved by the City Engineering Division.
9. That the developer coordinate all matters pertaining to the soils report with the City Engineer and Building Official. Also, that the land drain system be evaluated once installed to ensure that ground water will not impact new construction.
10. That all single-family dwellings be subject to the construction standards outlined in Section 7-10 of the West Valley City Code. This section outlines the requirements for construction within the Overpressure Zone.
11. That a note be placed on the plat notifying potential residents that this subdivision is located near manufacturing property and may be subject to noise and odors associated with manufacturing uses and entertainment uses.
12. That the Engineering Division and Fire Department review the length of Cape Ridge Lane.
13. That all builders provide a grading and drainage plan in conjunction with the building permit.

Seconded by Commissioner Lang

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – S-30-2004 - approved**

**S-31-2004**  
**Shopko Commercial Subdivision**  
**4800 West 3500 South**  
**C-2 Zone**  
**3 Lots**

Mr. Steve Lehman presented the application.

**BACKGROUND**

Mike Stangl, representing Shopko, is requesting preliminary and final subdivision approval for a commercial subdivision in the C-2 Zone. The subject property is located on the northwest corner of 4800 West 3500 South.

**ISSUES:**

The commercial subdivision is being proposed in order to divide an existing commercially zoned property into 3 lots. The purpose for the subdivision is to create a corner lot for the Village Inn restaurant and a new lot immediately to the north for a future use.

The subdivision has been designed to utilize the southeast portion of the Shopko parking area. This area is rather expansive and not generally used by retail shoppers. The developer believes that using the corner for a new restaurant will enhance the site and bring life and activity to the shopping center.

Because this application is a commercial subdivision, staff and agency comments will be

addressed during the conditional use and/or permitted use processes. The subdivision plat will provide dedication along 3500 South and will contain easements and other information applicable to the division of property, but does not address site design issues typically found in commercial developments.

**Applicant:**

**Mike Stangl**

**90 E. 7200 S., #200**

**Discussion:** Commissioner Matheson inquired if a cross easement is needed for the access in between the two lots off of 4800 West. Steve Lehman assured the City's Public Work's Department would require language on the plat to address this issue. He said an evaluation will be performed and lot three may be enlarged. Commissioner Mills expressed concern regarding the small size for lot three. Steve Lehman explained lot three will be handled differently, as an agreement may be used with Shopko to utilize their property and parking lot. Commissioner Nixon questioned the odd angle of the building. Commissioner Lang perceived the angle follows the natural angle of the driveway. Mr. Mike Stangl noted the unusual lot size is so that existing accesses will not have to be changed. Commissioner Lang asked if there was anything planned yet for lot three. Mr. Stangl answered it may be used for a Taco Time, but nothing has been firmly established.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Nixon moved for approval the Shopko Commercial Subdivision subject to a resolution of staff and agency comments.

Seconded by Commissioner Mills

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – S-31-2004 - approved**

**C-9-2004**  
**Mara Lund (Sun Bean Espresso)**  
**3934 West 3500 South**  
**Drive-thru Coffee Stand**  
**C-2 Zone (9.71 Acres)**

Mr. Jody Knapp presented the application.

The applicant, Mara Lund, is requesting a conditional use permit for a drive-thru coffee business. This use was originally approved as a temporary use at this location. However, the applicant would like to stay at this location permanently. Therefore, this must be reviewed as a new business, and a new building at this location. The zoning for this area is C-2, and fast food establishments are a conditional use in this zone. The West Valley City General Plan anticipates medium density residential and general commercial uses for this area. The surrounding zone is C-2, and the surrounding use is commercial.

The following application was continued from the April 28, 2004 meeting. The motion for continuance was to allow time for the following issues to be resolved:

1. Research issues regarding the building code requirements for a permanent building and to tie the structure to a permanent foundation.
2. Prepare a site plan, including parking lot striping and/or landscaping.
3. Prepare building elevation drawings

The structure to be used is approximately 10' x 6'. There are no water or sewer connections, as everything is self-contained within the structure, and the restrooms facilities are located at the adjacent Chevron gas station. The Salt Lake Valley Health Department has approved this setup.

The building is typically placed on a site on a temporary basis. However, for this location the building will need to meet the building code requirements for a permanent building and tie the structure to a permanent foundation by placing anchors into the parking lot asphalt below the building. The applicant has also agreed to add concrete curbing and an elevated pad along the base of the building for a more permanent appearance. Staff recommends colored and/or stamped concrete be used.

Currently, the building colors do not match those in the existing center. The applicant has agreed to paint the building with earth tones to tie it in with center. Staff has also

suggested a rock wainscot may be added to the structure to help with its visual appearance.

Signage must meet the West Valley City Sign Ordinance. The menu portion of the structure will not be considered signage.

Landscaping is also a concern at this site. The overall shopping center was originally approved with a 10' landscape strip along 3500 South. Today's standards require a 20' strip of landscaping adjacent to the street and a 20' building setback in this zone. Therefore, the building will be located 20' from the property line. The drive-up aisle will be located on the street side of the building. The applicant is proposing to re-stripe the parking area and not add any additional landscaping because the property owner has informed them that irrigation water is not available at this location.

**Applicant:**

**Mara Lund  
7858 South Amber Lane**

**Opposed:**

**Wesley Burt  
2654 West Hall Circle**

**Favored:**

**Isabel Vazquez  
6251 W. Contadora Dr.**

**Opposed:**

**Charles Sipes  
4171 Blue Jay**

**Concerned:**

**Ezekel Armonez  
6632 South 5180 West**

**Discussion:** Commissioner Nixon questioned if the signage issue has been addressed. Jody Knapp reported the applicant is aware of City regulations, explaining 10% of signage will be allowed on the front, and 5% on sides. She indicated some signage must be removed. Commissioner Nixon noted the electricity for the business is only temporary, and asked if it would be changed to permanent. Jody Knapp assured the City's Building Inspection's Division would require permanent power to a main pole. The applicant, Mr. Brian Lund, assumed the existing conduit would handle all electrical needs. He stated they plan to apply a stucco material to match the surrounding building. Mr. Lund said they are proposing landscaping around the structure using boulders and planters. Commissioner Lang had questions about additional improvements on the outside of the building. She requested curbing, and at least a three to four foot brick façade to make the building look more permanent. Mr. Lund replied they would be willing to do what needs to be done, but is concerned about the shape of the building. Mr. Wesley Burt was opposed to this application, suggesting it did not meet the high standards of West Valley City. He believes the structure was built as a temporary unit, and Salt Lake County Health Department approved it as only a temporary establishment. Mr. Burt did not think the building meets the standards of health for a permanent building. He indicated businesses locating in West Valley should be an addition to the City, not just an add-on. Mr. Burt perceived it would be detrimental to the City's appearance if buildings such as this were allowed to become permanent. Ms. Isabel

Vasquez is a customer of this coffee shop, and believes this business is not a problem, especially if it was fixed up to match the surrounding businesses. She gave examples of taco carts that are located next to businesses, suggesting this building looks more permanent than the carts. Ms. Vasquez informed that in Chicago, food carts are plentiful throughout the city, creating no noise, and bringing clientele to nearby businesses. Mr. Charles Sipes was concerned about the water usage and availability of water for this type of business. He understands the applicant has the ability to transport the water for the business, but if the agreement was ever canceled with the business they are getting water from, this building would be isolated for any other type of use. Mr. Ezekel Alanis represents the next application, which is for the Azteca Indoor Swapmeet. He appreciates the fact this applicant may bring more people into the shopping center, but they plan to have a bakery in the swapmeet, along with a coffee shop. Commissioner Lang asked Nicole Cottle if, as part of the conditional use, could the Planning Commission require the building to be removed totally if the business was to close. Nicole Cottle replied yes. Commissioner Mills stated concerns with this application, reminding the structure was built to be temporary, and it looks temporary even with the proposed stucco and rock exterior. She said it is a very small building with no plumbing. Commissioner Mills indicated this is not a good structure to be a permanent structure. She reminded this would be the first business of its type, and it would set precedence for the City. Commissioner Matheson agreed that there are many temporary uses such as taco carts in the City, and he does not want them to become permanent in the City. He would be in favor of allowing it as a temporary use, but not a permanent structure. Vice Chairman Fuller had similar concerns regarding this being a permanent building, and wondered if the Board of Health was assessed that this would be treated as a new structure.

**Motion:** Commissioner Lang moved for approval, with the five staff conditions, as well as a four-foot brick or rock wainscoting placed around the building to make it look more permanent. Also, have the building removed if this current business discontinues service.

**This motion was not seconded, and did not pass.**

**Discussion:** Commissioner Lang reminded that, as a temporary business, this business does not have to move very far to continue business as a temporary business. She believes this is a service that is needed. Commissioner Lang wants the best possible with this location and with this building, rather than just having them move their business to a different location every six months. Commissioner Matheson said there is a big difference between looking permanent and being permanent. He understands the desire for the applicant to make an income with this business, but he does not want this building to set a precedence for permanency.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Matheson moved for denial as this is not an appropriate use at this location, and due to the temporary nature, it cannot be approved as a permanent structure.

Seconded by Commissioner Mills.

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	No
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – C-9-2004 - denied**

**C-47-2004**

**Azteca Indoor Bazaar**

**3952 West 3500 South**

**C-2 6.7 Acres**

Mr. Ron Weibel presented the application.

This application was continued from the November 10, 2004 public hearing. At that meeting there were no representatives from the proposed business to answer questions. The applicant is requesting conditional use approval for an indoor retail bazaar in an existing shopping center located at 3952 West 3500 South. There is currently an existing Salvation Army outlet, a carpet store, an auto parts store and a discount retail store in the shopping center. This use would go into a space previously occupied by Gold's Gym. The area is zoned C-2 and the West Valley City General Plan anticipates general commercial uses in this area.

The proposed business would operate similar to an indoor swap meet and would sell only new merchandise. Businesses would be individually owned and there would be food retail as well as merchandise such as clothing, accessories, furniture, house wares, etc. There would be no toxic, flammable or hazardous materials sold, and no alcohol.

In 1991 the Planning Commission approved a use at this location similar to this proposed use (C-16-91). There is no indication that this “mini-mall” ever opened. One of the conditions of approval was that the landscaping be upgraded by planting additional trees. Either this condition of approval was never met or the trees have since died and have been removed. The required number of trees has not been maintained along the 3500 South frontage and this should be coordinated between the applicant and the property owner to upgrade this landscape area.

West Valley City Building Inspection and Fire Department have some concerns about the interior modifications, particularly relating to emergency exits and the fire sprinkler system. These concerns can be addressed before any building permit is given final approval and before any business license is approved. The applicants have been working with the Fire Dept. to remedy any deficiencies in these areas.

<b><u>Applicant:</u></b>	<b><u>Interpreter for Applicant:</u></b>	<b><u>Applicant’s Contractor</u></b>
<b>Mr. Jose Ortega</b>	<b>Mr. Ezekel Alanis</b>	<b>Fernando Polomo</b>
<b>3952 West 3500 South</b>	<b>West Valley City</b>	<b>West Valley City</b>

**Discussion:** Commissioner Nixon had questions about what the interior of this business would look like. Ron said the applicant would be able to answer these questions. Mr. Jose Ortega was helped by Ezekel Alanis who interpreted for Mr. Ortega. Mr. Alanis assured the applicant would comply with City requirements. He informed the building’s interior plans were forwarded to staff. Ron mentioned the plan was not approved by the City’s Fire Department. Mr. Ortega explained those interior plans were only ideas, and once this application is approved, more detail would be available. Commissioner Nixon asked if the booth walls would extend up to the ceiling. Commissioner Lang perceived they would not. Commissioner Matheson questioned if the vendor, Victor’s Tires, would perform work on tires as well as selling tires from this location. Mr. Ortega stated no mechanical work would be performed, but only selling rims and tires would be allowed by this vendor. He informed there are 32 spaces with different vendors. Vice Chairman Fuller confirmed the building would be divided up into different businesses, each with their own individual business licenses. He asked if there was any other businesses like this in the area. Ron Weibel reminded of the existing swap mall, but said the swap mall is only open on weekends. Commissioner Nixon requested more complete interior plans showing how booths will be set-up. Ron Weibel acknowledged more complete plans would be helpful, but reminded the City’s Building Inspections Division will have requirements for the booths. He suggested the Commission ask if the applicant has ever ran this type of business elsewhere. Mr. Ortega informed he has been in the business in San Diego for nine years without issues. He assured is willing to cooperate with all City requirements. Commissioner Fuller asked if elevations could be made available. Mr. Ortega replied once the building is ready to be built, he will have the contractor submit



elevations to the Commission. Commissioner Nixon inquired if this business would be the same as what the applicant has in San Diego. Mr Ortega said this business would be more attractive. Ron Weibel asked if the applicant has ran a business in Utah. Mr. Ortega answered no, but he does have a booth at the indoor swapmeet in West Valley. Commissioner Lang asked if the contractor know what materials would be used for the booth walls, and if they would be permanent or could be moved. The contractor for this project, Mr. Fernando Palomo, assured drawings will be available. He said the booths would have wood paneling on the front, with stucco and wainscot on the back. Mr. Polomo reported the booth walls would be approximately 96-inches high and open, without a top. Commissioner Mills was concerned the two staff conditions did not include painting the exterior building to eliminate the Gold's Gym name. Ron Weibel explained the applicant was told sign elevations would be required to be approved by the Planning Commission at this meeting or at a future study session. Commissioner Nixon urged the applicant to give more information regarding the interior materials. Commissioner Lang explained the applicant does not want to spend too much money until they have approval for the business. Commissioner Mills reminded that venders at other similar businesses with booths can expand their booths if they are successful, suggesting temporary walls are beneficial. Ron Weibel mentioned the time frame is critical to the applicant, as the next public hearing is in January 2005. Commissioner Nixon commented this area is a busy location for West Valley City, and he continues to have issues without a definite visual display of what the business would look like. Joseph Moore believes the nature of the business is to be flexible, allowing booth expansion if successful. He reminded that the Commission does not generally ask businesses for interior elevations. Commissioner Nixon acknowledged this, but commented he wants this area to be successful.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Matheson moved for approval, subject to the resolution of any issues raised at the public hearing and the following conditions:

1. The applicant shall coordinate with the property owner to upgrade the landscaping along 3500 South with trees as specified in the ordinances.
2. All requirements of the Building Inspection Division and Fire Department must be met prior to the issuance of any business license.
3. The front of the building will be upgraded to eliminate any reference to Gold's Gym
4. The outside and interior elevations must be reviewed by the Planning Commission at a future study session.

Seconded by Commissioner Lang.

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Nixon	No
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Split vote – motion does not pass**

**Discussion:** Commissioner Nixon worried that the interior elevations would not be attractive, and the Planning Commission would not have any control of this if approved at this time. Commissioner Mills did not think review of the business' interior was necessary by the Planning Commission. Commissioner Nixon asked why the trees are being required by this applicant instead of by the original owner. Ron Weibel replied this conditional use is the only mechanism to require this. He explained trees were required 13-years ago. Ron Weibel assured landscaping will not be increased, but only that trees must be planted as required by the City's ordinance. He said the applicant must coordinate with the property owner to complete this, as permission will be needed from the owner.

Nicole Cottle stated this will actually be a requirement for the owner, and will occur through this mechanism. Commissioner Nixon was concerned the property owner may not have to pay for the trees to be installed.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Mills moved for approval subject to the resolution of any issues raised at the public hearing and the following conditions:

1. The applicant shall coordinate with the property owner to upgrade the landscaping along 3500 South with trees as specified in the ordinances.
2. All requirements of the Building Inspection Division and Fire Department must be met prior to the issuance of any business license.
3. The painting of the exterior of the building be completed so that signage from the Gold's Gym is no longer noticeable.
4. The signage for this business be reviewed by the Planning Commission at a future study session for approval.

Seconded by Commissioner Matheson.

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Commissioner Fuller	Yes
Chairman Woodruff	Absent

**Majority – C-47-2004 - approved**

**Commissioner Matheson excused himself from the hearing at 7:20 p.m.**

**C-51-2004**

**Chili's Restaurant**

**3075 South 5600 West**

**C-2 Zone – General Commercial**

Mr. Kevin Hooper presented the application.

**West Valley City's General Plan recommends general commercial land uses.**

**Introduction:**

This conditional use is a request for a new restaurant building. The proposal is for a new 5697 square Chili's restaurant located on the recently approved Shoppes at Lake Park shopping center.

**Issues:**

- The original Shoppes at Lake Park/Kohl's shopping center was approved by the Planning Commission in 2003. At that time the Planning Commission approved the shopping center with a pad site on this corner. The new restaurant will need Planning Commission approval under the criteria found in the Commercial C-2 zone, new Commercial Design Standards and the 5600 West Overlay Zone requirements.
- After the Shoppes at Lake Park development was approved by the city, all of the perimeter site improvements were completed for the pads. The Chili's restaurant patrons will use the 84 vehicle parking spaces provided on the pad site. The minimum

number of parking spaces required by ordinance based on the parking standards is 62 spaces.

- Pedestrian access is now evaluated as outlined in the Commercial Design Standards ordinance recently enacted. The site plan provides for sidewalks to three sides of the building
- Landscaping has been designated in compliance to the C-2 zone and landscaping ordinance standards. There is 32 % of the current site designated for landscaping where a minimum of 15% is required. The site has existing landscaping and street sidewalk provided with the original Shoppes at Lake Park/Kohl's development.
- The newly adopted Commercial Design Standards addresses the quality and architectural design of new commercial buildings. Colored building perspectives and elevations have been submitted and are in compliance with the Commercial Design Standards. We will be working with the developer regarding minor revisions to the rear (east) side of the restaurant.
- Monument signage plans have been submitted. The proposed monument style sign is 10' in height and is located right on the corner. This monument sign has been designed with similar rock materials as the building and complies with the sign ordinance regarding size and location. The monument sign meets the ordinance standards but is so tall that it blocks the visibility of the Chili's restaurant building. Staff would suggest a monument sign that is a lower profile which could include stone background.

**Applicant:**

**Mike Stults**

**3075 South 5600 West**

**Discussion:** Mr. Mike Stoltz told the Commission he greatly appreciates the opportunity to be in West Valley. Commissioner Mills questioned the size of the 'Chili's' sign located above the front door of the restaurant. Mr. Stults explained their corporate office has used the chili pepper for their restaurant since 1975. The size of the pepper is 7-feet by 6-feet, and is needed to show their corporate image and bring in customers. Mr. Stults informed the pepper's size was downsized due to the property owner's request. Commissioner Mills indicated the size of the chili above the door at the E-Center is smaller than this proposed sign. Mr. Stults acknowledged the Chili's Restaurant on Decker Lake Road has a smaller sign, but said that sign was the older prototype, and is approximately 5-feet. Commissioner Mills noted the proposed monument sign size is very high, with space available underneath the Chili's sign. Mr. Stultz explained there is space for another business to advertise under the Chili's logo. He noted that by doing this, only one sign will be needed for two businesses. Mr. Stultz said the two businesses will share the monument sign, giving substantial spacing in between the existing Kohls signs. He mentioned their sign is high, allowing a good visual from the street, as landscaping features that tend to cover up signs.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Nixon moved for approval of the conditional use request for a new restaurant subject to the following:

1. Façade design that meets the Commercial Design ordinance standards and approved by the Planning Commission.
2. Monument sign meeting the sign ordinance. The monument sign should be designed to be more compatible with the building in size, materials and colors of the new building.

Seconded by Commissioner Lang.

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Absent
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – C-51-2004 - approved**

**C-52-2004**

**KDA Industrial Park/Magix Autoworx  
3578 South 1950 West  
C-2 Zone – General Commercial**

Mr. Kevin Hooper presented the application.

**West Valley City's General Plan recommends general commercial land uses.**

**Introduction:**

This conditional use amendment request is to permit an automotive repair facility within a newly constructed office/warehouse building.

**Issues:**

- On January 29, 2003 the Planning Commission approved a conditional use for an office/warehouse complex proposed by DeLyle Billings. This was a conditional use as warehousing is only permitted in the C-2 zone after review and approval by the Planning Commission. At the original hearings the uses were not identified but the developer was anticipating smaller business that needed some storage associated with an office.
- Building # 3 has been completed which is the rear (west) building. Asphalt parking and drives have been completed virtually for the entire site. Parking stalls have been provided based on an estimate of the office/warehouse mix and they have incorporated shared parking into their estimates. Consequently there are 188 parking spaces provided. Sufficient parking is anticipated based on the proposed uses including the auto repair use. Parking intensive uses that may come in the future may need to be evaluated
- Included is a letter from the Magix Autoworx business owner indicating how they will operate the business. Derek Olschewski has indicated there will be no disabled vehicles left outside of the buildings. In addition, staff would recommend as a condition of approval that no repair work or outside storage be associated with the auto repair.
- Signage plans have not been included. It is anticipated there will be signage located on the front of the retail space. Signage on 1950 West will need Planning Commission approval as a part of the original conditional use review.

**Discussion:** Commissioner Nixon asked if the work performed would be engine repair and body repair. Kevin Hooper answered body repair is not anticipated for this business, per the letter submitted by the applicant. Commissioner Mills verified repair work would not be performed outside, and storage of vehicles would not be allowed.

There being no further discussion regarding this application, Vice Chairman Fuller called for a motion.

**Motion:** Commissioner Lang moved for approval of the conditional use request for a 2838 square foot automotive repair facility subject to having all repair work, vehicle storage and any part storage occur within the building. Signage to be located on the front face of the building unless approved by the Planning Commission at a study session. Approval is also subject to approval of all agencies which affect this type of business.

Seconded by Commissioner Nixon

**Roll call vote:**

Commissioner Cisneros	Absent
Commissioner Lang	Yes
Commissioner Matheson	Absent
Commissioner Mills	Yes
Commissioner Nixon	Yes
Vice Chairman Fuller	Yes
Chairman Woodruff	Absent

**Majority – C-52-2004 - approved**

**PLANNING COMMISSION BUSINESS**

Approval of minutes from November 10, 2004 (Regular Meeting)

Approval of minutes from December 1, 2004 (Study Session)

**Approved**

There being no further business, the meeting adjourned at 7:35 p.m.

Respectfully submitted,

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Lori Cannon, Administrative Assistant